

STAND. COM. REP. NO.

565

Honolulu, Hawaii

Feb 18, 2011

RE: H.B. No. 1071  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1071 entitled:

"A BILL FOR AN ACT RELATING TO MENTAL HEALTH RELEASE ON CONDITIONS OF A PERSON FOUND UNFIT TO STAND TRIAL,"

begs leave to report as follows:

The purpose of this bill is to protect the community by requiring the Department of Health (DOH) to establish and monitor a Fitness Restoration Program (Program) for those defendants released on conditions after being found unfit to stand trial, and report rehabilitation plans and compliance to the Department of Public Safety (DPS).

The Office of the Public Defender, DOH, and Hawaii Disability Rights Center testified in support of this bill. The City and County of Honolulu Department of the Prosecuting Attorney opposed this measure. DPS provided comments.

Your Committee has amended this bill by:

- (1) Requiring DOH to inform the prosecuting attorney of the county that charged the defendant of the Program plan and any noncompliance thereof on the part of the defendant rather than DPS; and
- (2) Changing its effective date to January 7, 2059, to encourage further discussion.

HB1071 HD1 HSCR JUD HMS 2011-2335



As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1071, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1071, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,

  
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GILBERT KEITH AGARAN, Chair



